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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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KATTEN MUCHIN ZAVIS  
Attention: Patent Administrator  
Suite 1600  
525 West Monroe Street  
Chicago, IL 60661-3693

EXAMINER
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CHOWDHURY, SUMAIYA A

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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04/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/994,011	<b>Applicant(s)</b> BI ET AL.	
	<b>Examiner</b> SUMAIYA A. CHOWDHURY	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

2. Claim 11 is objected to because of the following informalities:

In claim 11, line 1, change "said predetermined" to --first--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ekel (US 2002/0002707) in view of Darbee.

Information relied on in Ekel (US 2002/0002707) can be found in its provisional application 60/215168.

As for claim 1, Ekel teaches a system for controlling playback of digital content, the system comprising:

a computing platform (computer) which communicates with a remote playback device (30); (Computing platform communicates via controller 10; [0042])

a digital content player application resident on said computing platform for enabling playback of said digital content on said remote playback device (Referring to page 5 in the provisional application, the user can request streaming media from a server. A digital content player application is needed on the computer to allow the user to select the content to view); and

a remote control device (controller 10) which includes a communication system for communicating with said computing platform over a first communication link (40) and identifying stored digital content on said remote computing platform, said computing platform being remote from said remote control device, said remote control device further including a display (11) for displaying stored digital content on said remote computing platform, said remote control device further including a input device (12, 13) to enable digital content to be selected from the stored digital content and a control system for displaying said available digital content and causing the selected digital content to be played on said remote playback device ([0034], [0042], [0019], [0031]); and

a playback device (30) coupled to said computing platform by way of a second communication link (40 & 50) for playback of stored digital content on said computing platform selected by said remote control device – [0034], [0042], [0019].

However, Ekel fails to teach the following:

Displaying a list of stored content;

In an analogous art, displaying a list of stored content (television programs; col. 11, lines 6-11, col. 13, lines 4-14);

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Ekel's invention to include the above mentioned limitation, as taught by Darbee, for the advantage of providing the user an array of content to select from.

As for claim 2, Ekel and Darbee disclose the claimed limitations. In particular, Ekel discloses wherein the system includes a transmitter for transmitting from said computing platform to a remote analog playback device – [0019].

As for claims 3 & 4, Ekel and Darbee disclose the claimed limitations. In particular, Ekel discloses wherein the digital content is digital audio and video data – [0012], [0004].

As for claims 5 & 9, Ekel and Darbee disclose the claimed limitations. In particular, Ekel discloses the memory is a hard drive (The computing platform is a computer. It is well known that computers to have hard drives).

As for claims 6 & 7, Ekel and Darbee disclose the claimed limitations. In particular, Ekel discloses wherein the terminal receives the digital content over an Internet network – (Provides internet content display; therefore, the internet is used to retrieve content from servers– [0034] – [0039])

As for claim 8, Ekel and Darbee disclose the claimed limitations. In particular, Ekel discloses wherein the user interacts with the computing platform by inputting commands into the remote control which are outputted by the remote control and transmitted to the display 30 – [0034], [0021], [0022].

As for claims 11, Ekel and Darbee disclose the claimed limitations. In particular, Ekel discloses a wireless link [0023].

As for claims 12-13, Ekel and Darbee disclose the claimed limitations. In particular, Ekel discloses wherein the remote control communicates with the computer over an RF or infrared wireless link.

It is well known in the art to communicate over an RF or infrared wireless link for the advantage of using a well established and known technique for communicating over the air.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Ekel and Darbee's invention to include the above mentioned limitation, for the advantage of using a well established and known technique for communicating over the air.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ekel and Darbee in view of Wood.

As for claim 10, Ekel and Darbee fail to a removable storage device.

In an analogous art, Wood discloses a removable storage device – [0145].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Ekel and Darbee's invention to include the above mentioned limitation, as taught by Wood, for the advantage of storing data on portable device thereby enabling mobility.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/John W. Miller/  
Supervisory Patent Examiner, Art Unit 2623

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